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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,156	11/12/2003	Erol Bozak	13913-149001 / 2003P00474	8253
22852	7590	05/03/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,156	Applicant(s) BOZAK ET AL.	
	Examiner Yasin M. Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/04, 04/04 & 06/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 9-14 and 18 rejected under 35 U.S.C. 102(e) as being anticipate by Goyal et al Patent Number 6976258) hereinafter "Goyal".

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As per claim 1, Goyal teaches a method comprising:

receiving, from an application process, a document specifying a communication protocol and a communication channel ("the server program 107 obtains the quality of service parameters associated with the virtual host 115 from the quality of service table 119. The server application program 107 then calls the operating system quality of service manager 127 to request an appropriate quality of service guarantee for the child process 109" col. 5, lines 32-42 and col. 16, lines 47-52);

reading the document; instantiating the communications channel with the application process using the communication protocol (The object code 121 reads the quality of service parameter table 119, and calls the quality of service manager 127 of the operating system 105 to set appropriate quality of service guarantees for the virtual hosts 115 serviced by the virtual host server application program 107" col. 6, lines 66 to col. 7, line 4 and col.9, lines 39-46)

sending communications to the application process using the communication protocol through the communication channel (col.9, lines 32-56 and col.10, lines 3-11); and receiving communications from the application process using the communication protocol through the communication channel (col.9,

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lines 39-56; col. 12, lines 7-18 and col. 16, lines 47-52).

As per claim 2, Goyal teaches the method of claim 1 further comprising:

 sending a request for data describing the application process and its requirements; and receiving data describing the application process and its requirements (col. 10, lines 13-37; col. 13, lines 43-62 and col. 16, lines 47-52).

As per claim 3, Goyal teaches the method of claim 2 wherein the data comprises process identification or degree of consumption of a resource by the application process (col. 16, lines 4-25)

As per claim 4, Goyal teaches the method of claim 3 wherein the data further comprises a definition of the resource (col. 6, lines 66 to col. 7, line 4 and col.9, lines 39-46.

As per claim 5, Goyal teaches the method of claim 3 wherein the resource comprises one or more of a central processing unit, memory, socket bindings, memory storage space, and communication bandwidth (fig. 1 and 4D col. 5, lines 32-42 and col. 16, lines 37-65).

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As per claim 9, Goyal teaches a system comprising: a computer system with a processor and a memory (fig. 1); a service handling at least locating, reserving, allocating, monitoring, and deallocating one or more computational resources on the computer system for an application program, the service configured to read a document specifying how to interface with the application program (the read wrapper 423 reads the quality of service table 119, and locates the quality of service parameters for the virtual host 115 associated with the network address 201 to which the communication channel was established. The read wrapper 423 then calls the quality of service manager 127 to request an appropriate quality of service guarantee to the child process 109 that called the system read function 305. Once the quality of service guarantee has been requested, the read wrapper 423 utilizes the copy of the pointer 415 to the system read function 305 to call the system read function 305" (col. 7, lines 35-56 and col.9, lines 39-46); and

the application program configured to execute on the computer system as an application process managed by the service (the server program executes on memory 103 col. 10, lines 13-37; col. 13, lines 43-62 and col. 16, lines 47-52)

As per claim 10, Goyal teaches the system of claim 9 wherein the

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service is further configured to instantiate a communications channel with the application program (col.9, lines 39-46 and col. 10, lines 3-11).

As per claim 11, Goyal teaches the system of claim 9 wherein interfacing with the application program comprises sending a request for data describing the application process and receiving data describing the application process (col. 10, lines 13-37; col. 13, lines 43-62 and col. 16, lines 47-52).

As per claim 12, Goyal teaches the system of claim 11 wherein the data comprises process identification or degree of consumption of a resource by the application process (col. 16, lines 4-25)

As per claim 13, Goyal teaches the method of claim 12 wherein the data further comprises a definition of the resource (col. 10, lines 13-37; col. 13, lines 43-62 and col. 16, lines 47-52)

As per claim 14, Goyal teaches the system of claim 12 wherein the resource comprises one or more of the processor, the memory, socket bindings, memory storage space, and communication bandwidth (fig. 1 and 4D col. 5, lines 32-42 and col. 16, lines

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37-65).

As per claim 18, Goyal teaches the invention comprising a second application program configured to execute on the computer system as a process managed by the grid manager, wherein the service is configured to read a second document specifying how to interface with the second application program (col. 10, lines 13-37; col. 13, lines 43-62 and col. 16, lines 47-52)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6,7,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipate by Goyal et al Patent Number (6976258) hereinafter "Goyal" in view of O'Neil USPN. (6912587). As per claim 6-8, and 15-17, although Goyal shows substantial features of the claimed invention, he does not explicitly show a

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command to the application process to perform an action, wherein the action is one of start, stop, wait, resume, and change priority.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Goyal, as evidenced by O'Neil USPN. (6912587).

In analogous art, O'Neil whose invention is about a system and method for constraint-based routing in a communication network, disclose "commands that a servlet may invoke on the Controller include: (a) view process, (2) start process, (3) stop process, (4) view blocked process, (5) resume blocked process, (6) add/change/delete network model, (7) add/change/delete flow requirements, (8) add/change/delete policy constraints, (9) add/change/delete genetic algorithms, (10) display fitness function, (11) display/delete output report, or (12) download flow-to-path assignments to network nodes" [Col. 21, lines 43-60]. Giving the teaching of O'Neil, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Goyal by employing the system of O'Neil so as to control and manage the overall execution of an application process and determines which genetic algorithms and fitness functions are executed and when they are invoked [Col. 21, lines 43-60].

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As per claims 8 and 17, Goyal teaches the method of claim 1 wherein the document further specifies one or more commands that the application process is capable of receiving and executing (Col. 21, lines 43-60).

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

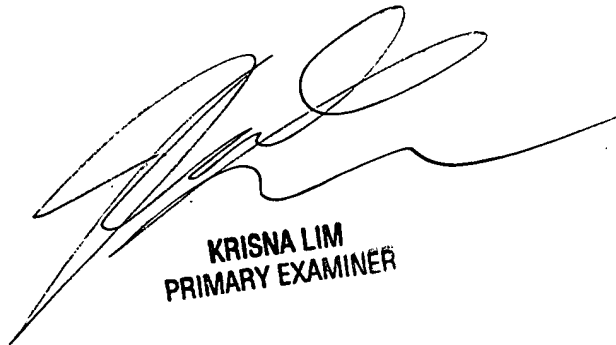
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YB

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**KRISNA LIM
PRIMARY EXAMINER**